



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/762,333

01/23/2004

Kenichiro Ono

00862.023414

4955

5514

7590

11/20/2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

IDOWU, OLUGBENGA O

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/762,333

Applicant(s)

ONO ET AL.

Examiner

Olugbenga O. Idowu

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/23/04 1/3/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because of "when channels include a plurality of channels", please replace the first appearance of channels with another descriptive word. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. Figures 10 and 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities: --indicate programs include--, should be changed to "indicate programs that include". Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claim 6 recites a computer program that does not have a readable storage medium for storing instructions for implementing the method. A computer program that is not stored on a computer readable medium is non-statutory subject matter. In case of claim 6, the computer program is not stored.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1,2,5,6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilder et al. Publication #: 2003/0051246/Wilder hereinafter.

Wilder teaches:

As per **claim 1**, a broadcast reception apparatus (Fig 2) which comprises a reception unit (100) for receiving program information of programs to be broadcasted by

Art Unit: 2621

respective channels in respective time bands from an external apparatus (122), and a display unit (110) for displaying a list of information indicating programs to be broadcasted for respective channels on the basis of the program information, comprising:

display control means (110) for, when the channels include a plurality of channels(Fig. 1, 40), which have the same lineups of programs to be broadcasted in a predetermined time band, making display control for displaying information indicating programs to be broadcasted by one of the plurality of channels on the display unit in place of the plurality of channels(The Identifying unit determines multiple sets of program listing that are determined to be equivalent...Each set of equivalent program listings 40 corresponds to a single program listing 40 that will be included in the EPG 10 generated by the EPG generating device,[0036], lines 5-10).

As per **claim 2**, the apparatus according to claim 1, further comprising: designation means (identifying unit 106, Fig. 3) for designating one of a plurality of pieces of information which are displayed on the display unit (In another embodiment, the user may specify the time interval to be covered by the generated EPG 10 using an input device e.g. Keyboard, [0049], lines 7-10) and indicate programs to be broadcasted by respective channels (after the identifying unit 106 identifies all sets of equivalent program listings, the combining unit combines the best information ... to be included in the EPG 10, [0060], lines 1-5); and search means(identifying unit 106, Fig. 3) for, when information indicating a program is designated by said designation means, searching all pieces of information which are displayed as a list on the display unit and

Art Unit: 2621

indicate programs for the same information as the designated information( The identifying unit 106 accesses the EPG data written to the database 104 in order to identify all program listings from the plurality of sources 120 that correspond to the same broadcast program,[0036], lines 1-4) and wherein that said display control means further makes control for displaying an information group indicating all programs to be broadcasted by a channel that broadcasts a program indicated by the information detected by said search means in the predetermined time band near a display position of a program group to be broadcasted by a channel that broadcasts the program designated by said designation means (The identifying unit 106 executes an algorithm in which program listings can only be determined as being equivalent within a specified time window, [0048], lines 2-5, in step 310, a scheduled time range to be covered by the generated EPG 10 is specified...EPG 10 is generated by the EPG generating unit 100(connected to display 110), [0049], lines 1-6).

As per **claim 5**, a broadcast reception method (Fig. 2) to be executed by a broadcast reception Apparatus (100) which comprises a reception unit for receiving program information of programs to be broadcasted by respective channels in respective time bands from an external apparatus (112), and a display unit (110) for displaying a list of information indicating programs to be broadcasted for respective channels on the basis of the program information comprising: a display control step (110) of making, when the channels include a plurality of channels (Fig. 1, 40), which have the same lineups of programs to be broadcasted in a predetermined time band, display control for

Art Unit: 2621

displaying information indicating programs to be broadcasted by one of the plurality of channels on the display unit in place of the plurality of channels (The Identifying unit determines multiple sets of program listing that are determined to be equivalent...Each set of equivalent program listings 40 corresponds to a single program listing 40 that will be included in the EPG 10 generated by the EPG generating device,[0036], lines 5-10).

As per **claim 6**, a program characterized by making a broadcast reception apparatus (Fig. 2) (The EPG generating device 100 may be configured as either hardware or as a combination of hardware and software being executed by a processor, [0033], lines 2 - 4) which comprises a reception unit (110) for receiving program information of programs to be broadcasted by respective channels in respective time bands from an external apparatus (112), and a display unit (110) for displaying a list of information indicating programs to be broadcasted for respective channels on the basis of the program information, execute: a display control step (110) of making, when the channels include a plurality of channels (Fig. 1, 40), which have the same lineups of programs to be broadcasted in a predetermined time band, display control for displaying information indicating programs to be broadcasted by one of the plurality of channels on the display unit in place of the plurality of channels (The Identifying unit determines multiple sets of program listing that are determined to be equivalent...Each set of equivalent program listings 40 corresponds to a single program listing 40 that

Art Unit: 2621

will be included in the EPG 10 generated by the EPG generating device,[0036], lines 5 - 10).

As per **claim 7**, a computer readable storage medium (data storage medium, [0035], line 7) characterized by storing a program of claim 6.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.



Art Unit: 2621

9. Claim 3 and 4 are being rejected under 35 U.S.C. 103(a) as being unpatentable over Wilder as applied to claim 2 above, and further in view of Barrett et al. Publication #: 2003/0237096/Barret herein after.

As per **claim 3**, Wilder teaches the broadcast apparatus which has a reception unit for receiving programs from external sources, combining similar programs, with display means for displaying channels from the sources, designation means and search means. Wilder does not explicitly teach a system wherein when all the pieces of information which are displayed as the list on the display unit and indicate programs include the same information as the information designated by said designation means, said display control means further makes control for displaying a message indicating the presence of that information on the display unit.

In a relevant field of endeavor Barrett teaches a system for compressing program guides.

Barrett additionally teaches a system wherein when all the pieces of information which are displayed as the list on the display unit and indicate programs include the same information as the information designated by said designation means, said display control means further makes control for displaying a message indicating the presence of that information on the display unit.(when a request is received to display information corresponding to a particular program,... An indication is provided to quickly notify the viewer whether or not the information is available in the program guide data, [0012], lines 5-12)

Art Unit: 2621

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the search method carried out by Wilder with the notification method in Barrett by incorporating a notification area into the EPG interface because of the quick feedback the user gets from the notification. This feedback allows users to move quickly to next step of either modifying the search or accepting the outcome. And also because the two inventions are to improve user interaction with program guides that accept information from different sources and to reduce clutter.

10. As per **claim 4**, Wilder teaches the broadcast apparatus which has a reception unit for receiving programs from external sources, combining similar programs, with display means for displaying channels from the sources, designation means, search means and a storage means.

Wilder does not explicitly teach the system further comprising: when information designated by said designation means has already been stored in said storage means, said display control means makes control for displaying a message indicating that storage on the display unit.

In a relevant field of endeavor Barrett who teaches a system for compressing program guides. Also teaches storage means for storing information previously designated by said designation means, and in that when information designated by said designation means has already been stored in said storage means, said display control means

Art Unit: 2621

makes control for displaying a message indicating that storage on the display unit (digital video recorder DVR, [0027], line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the search and designation means as described in Wilder with the descriptive and GUI described in Barret by including the information designated and found by wilder into a graphical user interface. This presence of the graphical user interface will improve user interaction.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olugbenga O. Idowu whose telephone number is 571 270 1450. The examiner can normally be reached on Monday to Friday, 7am -5pm Est. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edourd can be reached on 571 272 7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.I. 11/8/06



PATRICK N. EDOUARD  
SUPERVISORY PATENT EXAMINER